

REMARKS

This in response to the Final rejection of January 12, 2004. It is believed that this Amendment After Final places the case clearly in condition for allowance, and action to that effect is respectfully requested.

The claims were rejected as being anticipated by U.S. Patent No. 5,590,420 to Gunn.

The Examiner has continued a rejection over Gunn, and a combination of the Gunn and Pollack patent, 3,732,578.

The Gunn patent has been relied upon for the concept of teaching patches having low friction material regions.

However, the Gunn patent teaches impregnating or weaving garments cloth to provide for a low friction surface items that are placed into objects or molded into a glove for example, which is the primary showing.

The low friction apparel, that is made of low friction materials indicated by the number 10 is stated as "these low friction materials can be fibers which can inherently have a low coefficient of friction which are incorporated into the material either alone or in combination of other material; low friction chemicals can be applied directly to the finished fibers, material or apparel to impart low friction properties; fibers which are treated with low friction chemical and woven into the material alone or in combination with other materials; or any combinations of the above."

Then, the Gunn patent goes on to say that the low friction materials can be incorporated either into the entire piece of apparel, or into a specific high body/surface apparel contact areas, and specifically mentions figure 4 as part of this explanation. This is specified in column 2, lines 36-51.

The Gunn patent has a teaching completely away from the use of individual patches and using such patches in a method to provide for low friction areas between a support object, and the

skin of a person. The method of the present invention utilizes patches that are defined now specifically as having peripheral edges, as is shown in the drawings, and with a low friction surface on an exposed side of the patches.

These are patches that are adhesively secured to one of the tissue or object, and the patches are not incorporated or woven into an article of apparel or in specific high load body surface/apparel contact areas.

The only teaching in Gunn is that the fibers or chemical treatments are incorporated into a material used for apparel. They are not patches that are adhesively secured, but are in fact incorporated into something greater. The showings in figures 4, and 4A-4D are clearly not within the teachings of the present invention, in that they are in fact incorporated into apparel, and there is no suggestion that they would be adhesively placed into position.

This teaching is not present in Pollack either. While Pollack shows a pad, again, of the Gunn patent teaching was to incorporate it into Pollack, the entire woven article of apparel would have sections that would be low friction, and there would not be patches as such. Also the object of Pollack to cushion and conform would be defeated.

There is absolutely no suggestion that the Pollak patent that any low friction materials would be helpful, and low friction would be actually against the teaching of Pollack in that the pad of Pollack is a "low density, substantially non-resilient, deformable foam pad exhibiting a cushion characteristic and a memory characteristic responsive to locally applied force." This is a foam pad that has a lot of friction, but it is resilient and comfortable. Pollack has no suggestion that there would be slippage between this foam pad and the prosthesis or the human body. It in fact is a construction that teaches one skilled in the art to provide a pad that acts like a socket, with no slippage

between the two parts.

A reading of the background portions of the Pollack patent indicates that pressure points are treated by providing for deformability in the pad, with a memory characteristic, to conform to bony protrusions, and other irregularities. The teaching in Pollack is to form a recess or socket for protrusions and that teaching use would indicated there should not be any slippage between a protrusion and the pad after a socket or recess has been made in the pad for such protrusion. Once a protrusion is in a recess or socket in the pad there is no opportunity to slide out of the recess, so low friction material would have no use in the pad of Pollack. Thus, it is respectfully submitted that the teaching of Gunn would not add anything to the Pollack device and would in fact be contrary to the teaching of Pollack. The present claim define over these references.

The Examiner indicated that in regard to claims 22 and 23, it would have been prima facie obvious to one having ordinary skill in the art to modify the insert of Gunn to include an adhesive so as to maintain the insert in place on the user, thereby resulting in a removably affixed insert.

That conclusion is contrary to the specific teaching of Gunn, in that the low friction fibers and chemicals that Gunn has disclosed are applied or woven into an article of apparel or a portion of an article of apparel. There is nothing to indicate that Gunn had any concept or teaching to use adhesives, nor would it teach to anybody skilled in the art, absent the present teaching, to use adhesively adhered patches in selected pressure areas with low friction exposed surfaces.

Stated another way, it is respectfully submitted that this rejection uses the suggestion from the present specification and added it to the teachings of Gunn, which is hindsight reasoning, and is not an appropriate standard for a holding of obviousness.

The Examiner is respectfully requested to review, again, the portion of column 2 of Gunn recited above, where the teaching is specifically that the fibers, chemicals or other materials are incorporated into "the entire piece of apparel...or in a specific high body surface/apparel contact areas". There is no teaching of adhesive securing, but it is rather that it is an incorporation into specific surface/apparel contact area, or in an entire piece of apparel.

Therefore, with the amendments to the claims to define patches having peripheral edges, and including individual members that are secured in place, it is respectfully submitted that claims are now allowable and action to that effect are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to deposit account No. 23-1123.

Respectfully submitted,

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